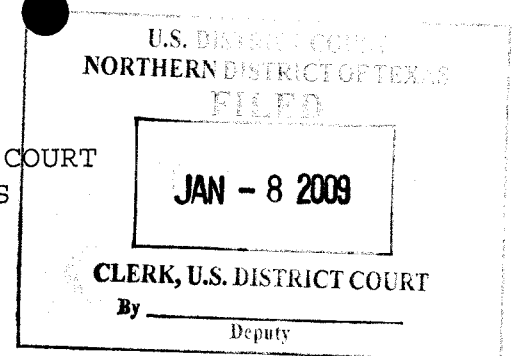


IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION



| | | |
|-------------------------------|---|-------------------|
| JOHNNY DWAYNE STATEN, | § | |
| | § | |
| Applicant, | § | |
| | § | |
| VS. | § | NO. 4:08-CV-611-A |
| | § | |
| NATHANIEL QUARTERMAN, | § | |
| Director, Texas Department of | § | |
| Criminal Justice, | § | |
| Correctional Institutions | § | |
| Division, | § | |
| | § | |
| Respondent. | § | |

O R D E R

Came on for consideration the above-captioned action wherein Johnny Dwayne Staten is applicant and Nathaniel Quarterman, Director, Texas Department of Criminal Justice, Correctional Institutions Division, is respondent. This is an application for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. On December 11, 2008, the United States Magistrate Judge issued his proposed findings, conclusions, and recommendation, and ordered that the parties file objections, if any, thereto by January 1, 2009. Copies of the proposed findings, conclusions, and recommendation were sent to applicant and respondent. No objections have been timely filed. After thoroughly considering the record and applicable authorities, the court accepts the

proposed findings, conclusions, and recommendation of the United States Magistrate Judge. Therefore,

The court ORDERS that the application be, and is hereby, dismissed as successive.

SIGNED January 8, 2009.



JOHN McBRIDE
United States District Judge